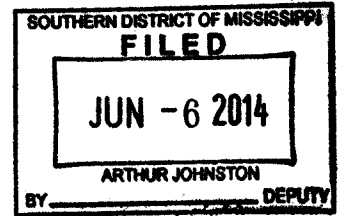


IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



Calvin Smith

PLAINTIFF

VS

CIVIL ACTION NO. 3:14cv447 DPJ-FKB

Pro Logistics Inc. 1
Joe Golic, Vice President of Pro Logistic
Derrick Harper, Pro Logistic Operations Manager

DEFENDANTS

COMPLAINT

Comes now Plaintiff Mr. Calvin Smith, Pro Se, and files this his timely cause of action against the Defendants Pro Logistics Inc. 1, Joe Golic, Vice President of Pro Logistic, Derrick Harper, Pro Logistic Operations Manager; would state that Pro Logistics of Madison, Mississippi consistently and regularly violated the Fourth, Fifth, fourteenth, and Sixteenth Amendment of the Constitution of the United States by denying African American contract worker of the State of Mississippi due process under the Law as it relates to Fair Labor Standard Laws and EEOC Federal Protection Laws.

The Company Pro Logistics Inc. 1 has consistently denied African American contract employees of the State of Mississippi the right to Life, Liberty and the Pursuit of Happiness, which is a direct violation of the First Amendment. The manner in which the company Pro Logistics consistently practiced abuse, slanders one's name, harassment, reprisal, threatening, anti-unionization and aged

discrimination against older employees is used to create a hostile work environment and has a discriminatory effect upon minorities. Many African American employees are under secondary or third party contract and do not fall under normal Federal Labor Protection guidelines mandated by the United States Equal Employment Opportunity Commission. The Company practices have lead to the violation of Civil Rights and Due Process of Law by operating without oversight and with unsafe working practices that leaves the contract worker to fend for him or herself without any accountability placed on the offending party. (Exhibit A is in the hands of the Defendant; Contract Worker Policy.) This is a violation of the Fourth, Fifth, Fourteenth and Sixteenth Amendments, et.al.

JURISDICTION

This Court has subject matter jurisdiction pursuant to (a) 28 U.S.C. 1331, because the case arises under the Constitution and laws of the United States; (b) 28 U.S.C. 1343, because this action seeks redress and damages for violation of 42 U.S.C. 1983 and 1985 and, in particular, the due process and equal protection provisions of the United States Constitution, including the rights protected in the Fourth, Fifth, Fourteenth, and Sixteenth Amendments thereof; and (c) 28 U.S.C. 1332, and since this is a monetary action and costs, a sum in civil action involving, exclusive of interest causes of action excess of \$50,000.00.

Plaintiff Calvin Smith is an adult resident citizen of the County of Madison, State of Mississippi. The Defendant is Pro Logistics, Inc., which is a Company within the State of Mississippi. The Company Pro Logistics Inc. is responsible for

overseeing daily operations and compliances with EEOC and the Fair Labor Guidelines as it relates to the Human Resource Division.

FACTS

1. On or about September 20-27, 2012, Mr. Patrick Walker on behalf of Derrick Harper had continued for about a week to raise allegations that Calvin Smith had disrespected Management. Derrick Harper, Pro Logistic Operations Manager had officially fired Calvin Smith on the 27th of September based on these allegations and during a brief meeting then re-hired Mr. Calvin Smith back. The actions of the Company have caused a lot of undue stress and have created financial hardship affecting his life and self respect. The Company refused to give the Plaintiff anything in writing. (Exhibit "B", Affidavit) This is a violation of the Fourth, Fifth, Fourteenth and Sixteenth Amendments et.als.
2. On October 15, 2013, Derrick Harper, Pro Logistic Operations Manager had given Plaintiff Calvin Smith false information about a switcher that is used to conduct daily activities on the job. Derrick Harper threaten Calvin Smith by pressuring him to perform a task without the proper equipment and later that day threaten to fire Calvin Smith because he was allegedly slow to perform the duties without the proper equipment and which pose a safety risk and places Calvin Smith in bodily danger. The Company's actions have caused undue stress upon Calvin Smith. (Exhibit "C", Affidavit is in the hands of the Defendant) This is a violation of the Fourth, Fifth, Fourteenth and Sixteenth Amendment et.als.

3. During the month of October 2013, 1st Shift Supervisor, Ms. Minnie Brench AKA Minnie Brant complained to Pro Logistics Operations Manager Derrick Harper about the issues of Mr. Adrian Brown continuing to refuse work and Mr. Brown later walking off the job. Derrick Harper never reprimanded Mr. Adrian Brown nor was he fired as he had fired Mr. Calvin Smith because of false allegations. This inconvenienced Mr. Calvin Smith and created hardship for his ability to live and pay his bills. (Exhibit "D", Affidavit, Termination dated December 6, 2013.) This is a violation of the Fourth, Fifth, Fourteenth and Sixteenth Amendment et.als.
4. On October 16, 2013, Derrick Harper, Pro Logistic Operations Manager had ordered Calvin Smith to perform duties outside of his job description but Derrick Harper wrote Calvin Smith up another reprimand and threaten to physically cause bodily harm to Calvin Smith and causing Plaintiff to fear that he will lose his job and not be able to feed his family. Mr. Calvin Smith requested for copies of the reprimand on several occasions and was turned down and misdirected and later poked fun at by promising he would get a promotion because of his hard work and dedication. (Exhibit "E", Reprimand is in the hands of the Defendant). This is a violation of the Fourth, Fifth, Fourteenth and Sixteenth Amendment et.als.
5. On December 6, 2013, Calvin Smith was fired and was identified as a contract worker that was too old and slow and that Adrian Brown was a younger employee contract worker who was treated extremely better with accommodations not afforded to Calvin Smith who works extremely hard.

The actions of the company have caused an unsafe hostile work environment for Calvin Smith and undue stress. (Exhibit "F", Reprimand is in the hands of the Defendant). This is a violation of the Fourth, Fifth, Fourteenth and Sixteenth Amendment et.als.

6. From September 2012 to December 6, 2013, Joe Golic, Vice President of Pro Logistic failed to provide meaningful accommodations and equal protection under the Law in addition to Due Process of the Law in assisting contract worker Calvin Smith in securing a non hostile and non discriminatory work environment. The actions of the Company have caused undue stress and an inconvenience to Calvin Smith. (Exhibit "G") This is a violation of the Fourth, Fifth, Fourteenth and Sixteenth Amendment et.als.

RELIEF

Plaintiffs pray that they will be awarded a Judgment against Defendant Pro Logistics Inc. 1 in an amount not less than \$50,000.00; punitive damages for Defendant's willful, outrageous, and malicious conduct of \$50,000.00; plus defendant will bear the costs of the suit and attorney fees; nominal damages, and such other and further relief as the Court may deem proper.

Plaintiffs pray that they will be awarded a Judgment against Defendant Joe Golic in an amount not less than \$50,000.00; punitive damages for Defendant's willful, outrageous, and malicious conduct of \$50,000.00; plus defendant will bear the costs of the suit and attorney fees; nominal damages, and such other and further relief as the Court may deem proper.

Plaintiffs pray that they will be awarded a Judgment against Defendant Derrick Harper in an amount not less than \$50,000.00; punitive damages for Defendant's willful, outrageous, and malicious conduct of \$50,000.00; plus defendant will bear the costs of the suit and attorney fees; nominal damages, and such other and further relief as the Court may deem proper.

Plaintiff prays for general relief.

Respectfully submitted, this the 6th day of June 2014.

SIGNED Calvin Smith
Calvin Smith, Pro Se, Plaintiff

SWORN TO AND SUBSCRIBED BEFORE ME, this the 6th day of June, 2014.

Cynthia Parker, Chancery Clerk
NOTARY PUBLIC

By: Kelli McLaughlin, D.C.

My Commission Expires:

My Commission Expires Nov. 4, 2014

NAME

Calvin Smith, Pro Se, Plaintiff
308 R. B. Harris Drive
Canton, Mississippi 39046

